

REMARKS

The objections and rejections of the claims under 35 USC 112, second paragraph, are attended to above by amendments that, because non-narrowing, do not invoke any Festo-like limitations even if in response to a statutory requirement.

The withdrawal of the prior rejection is acknowledged appreciatively.

The new rejection of claims 1-10 under 35 USC 102 for anticipation by the previously cited Litsch, et al. DE patent publication 3444486 is traversed as to independent claim 1 and, thereby, as to as well the rest of the prior and new claims that are dependent by combining claims 1 and 8 so the claimed apparatus is of a spray head. DE 3444486 does not disclose a spray head as now claimed, but rather a closure or exit valve for a fire extinguisher, but for anticipation:

The identical invention must be shown in as complete detail as is contained in the ... claim. *MPEP* 2131 (citation omitted).

The rejection should not be converted into one under 35 USC 103 for obviousness, because there is no rational basis for doing so.

... [R]ejections on obviousness cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in KSR International Co. v. Teleflex Inc.*, Fed. Reg. October 10, 2007, 57526, 57528-9.

While spray heads and fire extinguishers are for extinguishing fires, they are not the same in operation. The spray head is known for remote location for automated activation but the fire extinguisher is known for accessible location and hands-on operation. Such locational and operational differences remove any rational basis of citing one against the other when, as here, the question is one of operation. It would be irrational to require operating a handle for

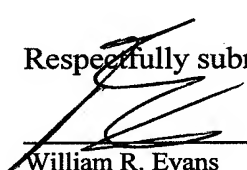
supporting element 17 of the DE patent publication on a spray head as claimed even if the pin 22 could be electrically pulled as described at page 5, line 9.

Moreover, the exit valve in DE 3444486 comprises mechanically very complicated arrangements. It needs very much for space so it is clear that it is not suitable for the claimed spray head, in which a small size is a standard requirement.

It is clear that the cited Litsch, et al. DE reference does not disclose an apparatus according to claim 1. It does not disclose a spray head.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



William R. Evans
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 25858
Tel. No. (212) 708-1930